

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CONSOLIDATED UNDER  
CASE NO. 05-10155 PBS

YISEL DEAN, Independent Administratrix of the Estate of  
STEVEN DEAN, deceased, and on behalf of all statutory  
beneficiaries,  
Plaintiff,

V.

DOCKET NO: 05cv10155 PBS

RAYTHEON COMPANY, a Delaware corporation,  
RAYTHEON AIRCRAFT COMPANY, a Kansas Corporation,  
RAYTHEON AIRCRAFT CREDIT CORPORATION, a  
Kansas Corporation, COLGAN AIR, INC., a Virginia  
Corporation d/b/a US Air  
Express,  
Defendants.

LISA A. WEILER, Administratrix of the Estate of SCOTT A. KNABE, deceased, and on behalf of all statutory beneficiaries,  
Plaintiff,

V.

DOCKET NO: 05cv10364 PBS

RAYTHEON COMPANY, a Delaware corporation,  
RAYTHEON AIRCRAFT COMPANY, a Kansas Corporation,  
RAYTHEON AIRCRAFT CREDIT CORPORATION, a  
Kansas Corporation, COLGAN AIR, INC., a Virginia  
Corporation d/b/a US Air Express,  
Defendants.

**DEFENDANTS' MOTION *IN LIMINE* TO PRECLUDE EVIDENCE OF DEFENDANTS'  
RESOURCE ALLOCATION AND/OR BUDGETING FOR FLEET SUPPORT**

The defendants respectfully request that this Court enter an order *in limine* precluding the plaintiffs from introducing evidence regarding defendants' resource allocation and/or budgeting for fleet support of the 1900D fleet. In support hereof, defendants state as follows:

Although plaintiffs have referred to the resource allocation or budgeting for the support of the 1900D fleet, including publications and manuals, any evidence regarding these matters is simply irrelevant. With regard to plaintiffs' breach of warranty claim, the material issue is whether the product was defective, not whether sufficient resources were allocated to its creation. Likewise, with regard to plaintiffs' negligence claim, any alleged motivation as to defendants' alleged negligent conduct is plainly irrelevant to whether defendants' conduct was indeed negligent. To allow such evidence is tantamount to considering the pedigree of a physician's medical degree as relevant to whether he was negligent in the performance of a surgical procedure. Any attempt by plaintiffs to introduce evidence regarding defendants' budget or resource allocation for support of the 1900D fleet is irrelevant and inadmissible.

Rule 401 of the Federal Rules of Evidence defines "relevant evidence" as evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. Fed. R. Evid. 401. (Emphasis added). Rule 402 of the Federal Rules of Evidence clearly mandates that evidence which is not relevant is not admissible. Fed. R. Evid. 402. Given that evidence regarding budgeting and/or resource allocation for the 1900D fleet are of no consequence to this case, evidence of the same must be precluded. Admittance of these matters would not only be in contradiction to Rule 401 and Rule 402, but would also serve to confuse and mislead the jury, and unduly prejudice the defendants.

WHEREFORE, the defendants respectfully request that this Court enter an order *in limine* precluding the plaintiffs from introducing evidence regarding the budget and/or resource allocation for the 1900D fleet.

RAYTHEON DEFENDANTS,  
By Counsel,

/s/ Peter C. Knight

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 19, 2007.

/s/ Peter C. Knight

---

---

Peter C. Knight, BBO # 276000  
Tory A. Weigand, BBO #548553  
MORRISON MAHONEY LLP  
250 Summer Street  
Boston, MA 02210  
Phone: 617-439-7500

-AND-

William L. Oliver, Jr. Esquire  
Michael G. Jones, Esquire  
MARTIN, PRINGLE, OLIVER, WALLACE  
& BAUER, L.L.P.  
100 North Broadway, Suite 500  
Wichita, KS 67202  
Phone: (316) 265-9311